

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

2012 SEP 17

AM 8:26

CDOS No: 2011A88372

Civil Case No:

Plaintiff,

-against-

U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK

**CV 12 - 4629**

JEAN M. NAPPI,

Defendant.  
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**COMPLAINT**

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

The United States of America, plaintiff, alleges that:

**Jurisdiction**

1. This Court has jurisdiction over the subject matter of this action pursuant to Article III, Section 2, U.S. Constitution and 28 U.S.C. § 1345.

**Venue**

2. The defendant is a resident of Suffolk County, New York within the jurisdiction of this Court and may be served with service of process at 46 Montauk Avenue, East Moriches, New York 11940

**The Debt**

3. The debt owed the USA is as follows:

**Claim**

A. Current Principal <i>(after application of all prior payments, credits, and offsets)</i>	\$5,925.60
B. Current Capitalized Interest Balance and Accrued Interest <i>(Through September 10, 2012)</i>	\$ 127.08
Total Owed <i>(Through September 10, 2012)</i>	\$6,052.68

4. The certificates of Indebtedness, attached as "Exhibit A", shows the total owed. The principal balance and the interest balance shown on the Certificate of Indebtedness is correct as of the date of the Certificate of Indebtedness after application of all prior payments, credits, and offsets. Prejudgment interest accrues at the rate of 2.39% per annum.

**Failure to Pay**

5. Demand has been made upon the defendant for payment of the indebtedness, and the defendant has neglected and refused to pay the same.

WHEREFORE, USA prays for judgment:

A. For the sums set forth in paragraph 3 above, plus prejudgment interest through the date of judgment, all administrative costs allowed by law, and that, pursuant to 28 U.S.C. § 1961, post-judgment interest be awarded on the judgment at the legal rate until paid in full; and

B. For such other relief which the Court deems proper.

Dated: Brooklyn, New York  
September 14, 2012

Respectfully submitted,

  
s/ Michael T. Sucher, Esq.

MICHAEL T. SUCHER, ESQ.

Private Counsel for Plaintiff

United States of America

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Brooklyn, New York 11242

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**U. S. DEPARTMENT OF EDUCATION  
SAN FRANCISCO, CALIFORNIA**

**CERTIFICATE OF INDEBTEDNESS #1 OF 1**

Jean M. Nappi  
46 Montauk Ave.  
East Moriches, NY 11940-1350  
Account No. xxx-xx-2483

I certify that U.S. Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 09/10/12.

On or about 08/05/03, the borrower executed master promissory note(s) to secure loan(s) (hereafter "loan") from the U.S. Department of Education. This loan was disbursed for \$4,250.00 and \$4,066.00 on 09/02/03 at a variable rate of interest to be established annually. The loan was made by the Department under the William D. Ford Federal Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087a et seq. (34 C.F.R. Part 685). The Department demanded payment according to the terms of the note, and the borrower defaulted on the obligation on 05/25/07. Pursuant to 34 C.F.R. § 685.202(b), a total of \$73.89 in unpaid interest was capitalized and added to the principal balance.

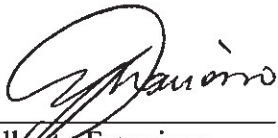
The Department has credited a total of \$5,114.11 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the borrower now owes the United States the following:

Principal:	\$5,925.60
Interest:	\$ 127.08
 Total debt as of 09/10/12:	 \$6,052.68

Interest accrues on the principal shown here at the current rate of 2.39% at a daily rate of \$0.38 through June 30, 2013, and thereafter at such rate as the Department establishes pursuant to Section 455(b) of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087e.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 9/10/12

  
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Alberto Francisco  
Loan Analyst

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**-against-**

**JEAN M. NAPPI,**

**Defendant.**

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**SUMMONS AND COMPLAINT**

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**MICHAEL T. SUCHER, ESQ.**

Attorney for Plaintiff  
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